

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMEREN MISSOURI,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:11-CV-00077-RWS

Judge Rodney W. Sippel

AMEREN MISSOURI'S MOTION TO RESCHEDULE STATUS HEARING

Ameren Missouri respectfully seeks to reschedule the February 15, 2017 status hearing, for two reasons: First, on February 9 (today) Ameren counsel (Mr. Safer) had a critical hearing scheduled for February 15 in a wrongful conviction case, posing a scheduling conflict. Mr. Safer is lead pro bono counsel in *People of the State of Illinois v. Charles Johnson*, Case No. 96 CR 497-04. Mr. Johnson is approaching a retrial for a double murder after a successful appeal (based upon newly discovered evidence that tends to exonerate him), and today the Court set a substantive hearing, without notice to the parties, for February 15. Because of the nature of the case, and the effect of any delay on the defendant, Mr. Safer is reluctant to ask for a continuance. Second, as counsel for Ameren informed counsel for the United States on a telephone conference yesterday, Ameren would like to have a reasonable period of time to engage in a dialogue with appropriate high-level staff at the Department of Justice and EPA regarding the future direction of this case.

The recent change in administrations means that new staff is still being appointed and entering into service in both of those organizations. That process, which is continuing, will take

some additional time. Accordingly, Ameren respectfully requests that the status hearing be rescheduled for approximately 35 days to allow a reasonable period of time for those discussions to occur.

WHEREFORE, Ameren respectfully requests that the February 15 status hearing be rescheduled for the week of March 20, 2017.

Dated: February 9, 2017

Respectfully submitted,

/s/ Ronald S. Safer

Renee Cipriano
Matthew B. Mock
David C. Scott
Joshua R. More
Neil Lloyd
Mir Y. Ali
Molly L. Wiltshire
Kristen Viglione
(All admitted *pro hac vice*)
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
Tel: (312) 258-5500
Fax: (312) 258-5600

Ronald S. Safer (*pro hac vice*)
RILEY SAFER HOLMES & CANCELIA LLP
70 W. Madison Suite 2900
Chicago, Illinois 60602
Tel: (312) 471-8700

James J. Virtel
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard Suite 1800
St. Louis, Missouri 63105
Tel: (314) 621-5070
Fax: (314) 612-2298

Counsel for Defendant Ameren Missouri

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record.

/s/ Ronald R. Safer